

UNITED STATES DISTRICT COURT
for the

Imad Dawara

Petitioner

v.

R. Thompson, Warden

*Respondent**(name of warden or authorized person having custody of petitioner)*

Case No: _____

*(Supplied by Clerk of Court)*RECEIVED
NOV - 2 2023
AT 8:30
CLERK, U.S. DISTRICT COURT - DNJ

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Imad Dawara
(b) Other names you have used: Not Applicable
2. Place of confinement:
(a) Name of institution: FCI Fort Dix
(b) Address: P.O. Box 2000, Joint Base MDL, New Jersey 08640
(c) Your identification number: 69939-066
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Eastern Dist. PA - Philadelphia
U.S. District Court / Eastern District of Pennsylvania
(b) Docket number of criminal case: 19-CR-414-1 & 20-CR-104-1
(c) Date of sentencing: June 22, 2021
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Federal Bureau of Prisons
320 First Street N.W., Washington D.C. 20534
 (b) Docket number, case number, or opinion number: BOP Remedy ID #1170112-F1
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Refusal to place on home confinement pursuant to the CARES Act
 (d) Date of the decision or action: August 14, 2023

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Bureau of Prisons
 (2) Date of filing: June 6, 2023
 (3) Docket number, case number, or opinion number: 1170112
 (4) Result: Denied
 (5) Date of result: June 27, 2023 (untimely)
 (6) Issues raised: Emergent medical situation, conspiracy conviction not a "crime of violence", and more than 50% of custodial sentence served.

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Warden - FCI Fort Dix(2) Date of filing: July 5, 2023(3) Docket number, case number, or opinion number: 1170112(4) Result: Denied(5) Date of result: August 14, 2023 (untimely)(6) Issues raised: conspiracy conviction not a "crime of violence", and emergent medical situation not being properly addressed

(b) If you answered "No," explain why you did not file a second appeal:

Not Applicable9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Regional Director - Bureau of Prisons
Northeast Regional Office, Philadelphia(2) Date of filing: August 28, 2023(3) Docket number, case number, or opinion number: 1170112-F1(4) Result: Denied (constructively)(5) Date of result: None as of this writing (never received)(6) Issues raised: Conspiracy conviction not a "crime of violence", emergent medical situation being neglected, and Petitioner in fear of irreparable harm.

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: Not Applicable

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: Not Applicable

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: CARES Act relief is post-conviction relief

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Date of filing: Not Applicable

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: Not Applicable

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

Not Applicable

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: - Bureau of Prisons is misinterpreting the definition of "crime of violence" in regards to inchoate crimes such as conspiracy to commit arson and conspiracy to defraud the United States.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

In order for a crime to be considered "violent" the act must include as an element the use, attempted use, or threatened use of physical force against the person or property of another. Conspiracy crimes don't.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: Petitioner will suffer irreparable harm to his person due to neglected medical care and untimely treatment for his emergent medical condition.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

Petitioner has been reporting symptoms of serious heart problems since October of 2022, and BOP neglected and delayed proper care which lead to a heart attack on June 11, 2023, and subsequent heart surgery. He has suffered damage to his heart, continued pain and suffering, and a decreased lifespan.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: Not Applicable

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

GROUND FOUR: Not Applicable

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Not Applicable

Request for Relief

15. State exactly what you want the court to do: Issue writ of habeas corpus; order Bureau of Prisons to send Petitioner to home confinement for the remaining time on his custodial sentence.

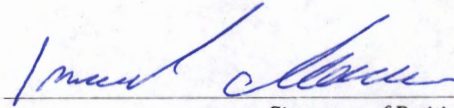
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

10-27-2023

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 10-27-2023



Signature of Petitioner

Signature of Attorney or other authorized person, if any